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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,530	07/08/2003	Minoru Maeda	20064/FP03-0117-00	8201

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GROSSMAN & FLIGHT LLC  
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EXAMINER

PYO, KEVIN K

ART UNIT PAPER NUMBER

2878

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/615,530

Applicant(s)

MAEDA, MINORU

Examiner

Kevin Pyo

Art Unit

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-16 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 7, line 12, "2a". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurosu et al (4,973,835) in view of Postel (3,643,467).

Regarding claim 1, Kurosu et al shows in Fig.2 the following elements of applicant's invention: a) a transparent body (1); b) a transparent body fixing member (2); c) a light emitter (A); d) first pulse generator (C); e) photodetector (E); f) second pulse generator (D); g) signal processor (B); h) a circuit board (4); i) a board fixing member (3) and j) a battery holding member (5). Kurosu et al does not disclose the recited holding member for detachably attaching the transparent body on the transparent body fixing member. However, it is notoriously well known in the art as disclosed by Postel (col.1, lines 14-25) to provide a holding element for an article of jewelry which enables the wearer to easily remove and interchange the gem or ornament in view of the desire to mount any number of different type and styled ornaments. It

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would have been obvious to one of ordinary skill in the art to utilize the holding member of Postel in the device of Kurosu et al in view of the desire to mount any number of different type and styled ornaments.

Regarding claim 8, Postel disclose the recited elastic member (col.1, lines 33-35).

Regarding claim 9, Postel disclose a pin member (31).

Regarding claim 10, Kurosu et al discloses that aromatic material (16) formed in the side surface of the board fixing member (3) which is formed of a conductive material. It would have been obvious to one of ordinary skill in the art to recognize and utilize heat from the battery (6) to warm the aromatic material (16) in view of emitting a fragrance from the aromatic material to stimulate the sense of smell of persons near the person wearing the accessory (col.6, lines 33-35).

Regarding claim 11, Kurosu et al discloses a light scattering portion (2d).

Regarding claim 12, the specific type of a battery used would have been obvious to one of ordinary skill in the art in view of design requirements and the desired performance,

Regarding claims 13 and 16, the limitations therein are shown in Fig.10B.

Regarding claim 14, Kurosu et al discloses a LED light emitter (col.2, lines 51-52).

Regarding claim 15, it is well known in the art to mark a pattern on the back surface of an accessory in view of the desire of decorating an accessory. The specific design utilized would have been obvious to one of ordinary skill in the art in view of design requirements.

***Allowable Subject Matter***

4. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 2 and 3, the prior art does not disclose or make obvious an accessory comprising, in addition to the other recited features of the claim, the recited electrostatic absorption sheet type holding member.

Regarding claims 4-7, the prior art does not disclose or make obvious an accessory comprising, in addition to the other recited features of the claim, the details and function of the recited holding member.

### ***Conclusion***

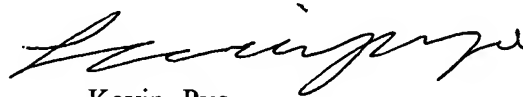
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ford (4,899,556) is cited for disclosing a jewelry with interchangeable ornamentation.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Pyo whose telephone number is (571) 272-2445. The examiner can normally be reached on Mon-Fri (with flexible hour), First Mon. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin Pyo  
Primary Examiner  
Art Unit 2878

Pkk  
3/13/04